

Oct. 28 2002 01:45PM P1

Inventor: Håkansson et al
Ser. No. 09/741,739
Filing Date: 12/21/2000
Group Art Unit: 1745
Examiner: Carol D. Chaney

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of *
BO HÅKANSSON ET AL * Group Art Unit 1745
Serial No.: 09/741,739 * Examiner: Carol D. Chaney
Filing Date: 12/21/2000 *
Title: METHOD AND CONSTRUCTION FOR VENTILATION OF
HYDROGEN GAS

RESPONSE TO REQUIREMENT FOR RESTRICTION

Assistant Commissioner for Patents
Washington, D.C. 20231
Sir:

In response to the Requirement for Restriction dated September 27, 2002, applicants elect Group II, claims 29-36 for prosecution.

Further, applicants traverse the restriction of Group III, claim 37, drawn to an electrochemical cell. The Examiner justifies the restriction of inventions II and III in that they are "related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention II has separate utility such as a radio antenna." The Examiner cites MPEP 806.05(d) as the basis of restriction.

The Examiner fails, however, to identify the "single combination" in which the "subcombinations" are usable together. How does the Examiner envision a "combination" of (1) an electrochemical cell containing e.g., the claimed electrode and

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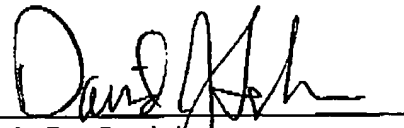
(2) the electrode per se? Such a combination would include two electrodes, one in the electrochemical cell and another somehow "combined" with a separate electrode.

In fact, inventions II and III are not related as separate subcombinations, but as combination/subcombination under MPEP 806.05(b). The electrochemical cell of claim 37 requires the particulars of the electrode of claim 35 for patentability (unless the Examiner is willing to go on record that a claim reciting "an electrochemical cell" per se is separately patentable).

Yet even if the Examiner were correct in classifying inventions II and III as separate subcombinations usable together, restriction would still not be proper because the inventions can also be characterized as combination/subcombination. See MPEP 805.05(d).

Applicants therefore request that the restriction between inventions II and III be withdrawn and that claim 37 be examined together with claims 29-36.

Respectfully submitted,



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October 28, 2002

I hereby certify that this correspondence is being transmitted by facsimile this day to Examiner Chaney at the United States Patent and Trademark Office, Art Unit 1745, to fax No. 703-872-9310.

October 28, 2002

Date

Signature

